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Pitcairn

Working paper prepared by the Secretariat

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I. Background information

1. Pitcairn[1] is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory is located midway between Australia and South America at 25°S and 130°W. It comprises four islands in the eastern Pacific Ocean: Pitcairn, the only inhabited island (named after Robert Pitcairn, a midshipman who sighted it in 1767), Henderson, Ducie and Oeno. The total area of the Territory is 35.5 sq km while that of Pitcairn is 4.35 sq km.[2]

2. Access to Pitcairn is possible only by sea, usually by container vessels plying between New Zealand and the United Kingdom or from the eastern seaboard of the United States or the Caribbean, via the Panama Canal. A number of cruise ships also call at Pitcairn. Charter boats from Mangareva in French Polynesia are increasingly being given access to the island. Ships visiting the island remain at anchor some distance from the shoreline and visitors are ferried to the island in longboats.

3. The terrain in Pitcairn is of rugged volcanic formation, with a rocky coastline and cliffs lining nearly the entire perimeter of the island, giving no easy access from the sea. Although canoes can be launched in many places, Bounty Bay and the Tedside landing are the only two places on the island that offer a reasonably safe landing. Pitcairn enjoys a subtropical climate. Mean monthly temperatures vary from around 19°C in August to 24°C in February.

4. Pitcairn was uninhabited when castaways from HMS Bounty (9 mutineers and 18 Polynesians) arrived there in 1790. Today, Pitcairn is inhabited partly by their descendants. Its population has been declining steadily since 1937, when it was approximately 200. As of February 2005 the total population of the Territory was 47. It is common for young people to leave the Territory at the age of 15 (usually in their third year of secondary schooling) to attend secondary school in New Zealand. The continuing exodus of young people has been a concern to the Islanders for many years. The entire population lives in Adamstown, the only settlement in Pitcairn.

5. The official languages are English and Pitkern, which is a mixture of eighteenth century English and Tahitian.

II. Constitutional structure and legal system

6. The Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970 are, in effect, the Constitution of Pitcairn. These instruments established the office of Governor and regulate his powers and duties. The Governor is appointed by the Queen, acting on the advice of the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, to whom he is accountable. In practice, the High Commissioner of the United Kingdom to New Zealand is appointed concurrently as Governor of Pitcairn and the responsibility for the administration of the island is accordingly vested in him. The current Governor of Pitcairn is Richard Fell.

7. Under the 1970 Order, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject. However, according to the administering Power, the Royal Instructions require him to obtain the prior approval of the Secretary of State for the enactment of certain classes of laws, including laws which appear to him to be inconsistent with the United Kingdom's treaty obligations

and laws which discriminate between different communities or religions. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the Queen, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an Order in Council. It is under his legislative power that the Governor establishes courts for Pitcairn and regulates their jurisdiction and procedures. The 1970 Order also vests in the Governor the power to appoint persons to offices in the public service and to remove or discipline them. In response to requests from the island for closer integration with the Governor's Office, a Governor's Representative (a member of the British Diplomatic Service) has been stationed on the island since early 2003 to provide a direct line of communication to and from the Governor's Office.

8. The major part of the general administration of Pitcairn is conducted from the Pitcairn Islands Office in Auckland, New Zealand, which is run by a Commissioner appointed by the Governor. Pitcairn Islanders manage their internal affairs through the Island Council, which was established by the Local Government Ordinance. The Ordinance conferred on the Council the duty to provide for the enforcement of the laws of Pitcairn and empowered it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the Islanders.

9. The Council is required to meet at least once a month. It consists of 10 members: the Island Mayor, who is elected every three years (elections took place for the first time in 1999 when the century-old practice of naming a magistrate to head the local government ended); the Chairman of the Internal Committee, who is elected annually; four Councillors, who are also elected annually; the Island Secretary, who is a public officer and serves on the Council ex officio; one nominated member, who is appointed annually by the Governor; and two advisory (non-voting) members, one of whom is appointed annually by the other members of the Council.

10. The decisions of the Island Council are implemented by the Internal Committee, whose principal function is to organize and implement the public works programme, for which all adult and able-bodied Pitcairn Islanders are responsible. The Committee comprises the Chairman and such other persons (not being members of the Council or public officers) as the Council, with the Governor's approval, may appoint.

11. For people not native to Pitcairn, three years of residence and being 18 years old are required to vote. Candidates for the posts of Mayor and Councillors must be at least 21 years of age and native to Pitcairn or resident on the island for the previous three years. The Island Secretary prepares the register of voters in October of each year, and elections are held during the first two weeks in December. The Island Secretary and other non-elected officials of the local government, including the Postmaster, Communications Officer, Island Auditor and Police Officer, are appointed by the Governor, invariably after consultation with the Council.

12. An Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters outside the powers of the Island Magistrate. The jurisdiction of the Court is limited to offences triable summarily, committal proceedings and certain inquiries together with civil litigation up to a prescribed

level. There is a right of appeal from the Court to the Supreme Court of Pitcairn, which is a superior Court of record and has jurisdiction in criminal and civil cases outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge, the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal may be made to the Pitcairn Court of Appeal, comprising three judges, and the Privy Council.

13. Pitcairn's Constitution, as embodied in the Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970, does not contain any provisions expressly guaranteeing human rights. According to the Administering Power, however, the Magistrate's Court and the Supreme Court both have inherent jurisdiction to enforce human rights in accordance with the laws in force in the Islands. The Governor, as holder of the highest executive office, and the Chief Justice, as head of the judiciary, are responsible within their respective spheres of authority for overseeing the implementation of human rights on Pitcairn. The Supreme Court has taken the approach that the Human Rights Act 1998 of the United Kingdom applies to Pitcairn.

14. According to the administering Power, the laws in force in the Territory, including those relating to human rights, are published by the Government of the United Kingdom and the Pitcairn Administration and are readily available to all on the Island through the Island Secretary's office. The Territory's reports to international bodies are prepared by the Government of the United Kingdom, drawing on information provided by the Governor and the Commissioner.

III. Economy

15. The principal sources of income for Pitcairn's public economy are sales of stamps, Internet domain names and revenue from interest and dividends. In 2004/05, expenditure was roughly NZ$ 1,526,000 and income for the year NZ$ 365,000. Pitcairn's reserves were exhausted in late 2003 and the island now receives budgetary assistance from the United Kingdom Department for International Development. Budgetary aid of NZ$ 549,000 was provided in 2004/05 to meet the operating budget deficit. Significant development funds have been allocated for infrastructure projects by the Department for International Development and the European Union. In 2005 projects were completed by the United Kingdom Government to repair and upgrade the island's jetty and slipway and construct a sealed road — Pitcairn's first — from the landing area to the Adamstown settlement. A new museum was also constructed to provide a focal point for the community and for tourist visitors. Studies into access, tourism and communications were carried out in 2005. A range of additional infrastructure projects are now being planned. Discussions with French Polynesia are also taking place to provide a regular freight and passenger service to Pitcairn.

16. The private economy of Pitcairn is based on subsistence gardening and fishing and the sale of handicrafts, mainly to passing ships. The fertile soil of the valleys produces a wide variety of fruits and vegetables. Fish is the main source of protein in the Islanders' diet.

17. Pitcairn exports fruits, vegetables, handicrafts and high quality honey and imports, mostly from New Zealand, fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The latter are ordered several months in advance

and are obtainable through a cooperative store, established in 1967. It is hoped that an increase in Pitcairn's food export business will add substantially to the Territory's economy. Pitcairn's products are sold in New Zealand, Japan and the United States of America. The Pitcairn Island Producers' Cooperative, established in 1999, promotes and coordinates the distribution of products produced by its members. A number of Pitcairn items are available directly from Pitcairn through the Internet. Given the remoteness of Pitcairn, customers must allow up to six months or more for delivery and, when paying for orders by cheque, customers are advised to leave their cheques undated because of the long time it takes to process them.

18. For land distribution issues, see A/AC.109/2005/10.

19. Diesel-driven generators provide 240-volt electric power for approximately four hours each evening and for two hours each morning. Islanders use the radio to communicate on the island. For many years, ham radio communications were the mainstay of Pitcairn's contact with the outside world, but nowadays overseas communications are maintained through surface mail, satellite phone and the Internet. The Internet was introduced to the island in 2002 and was upgraded in 2004 to provide broader bandwidth. While live television has not yet reached the island, videotapes are very popular.

20. Internet users worldwide can acquire a ".pn" suffix that is permanently awarded to Pitcairn. The fees for the acquisition of a ".pn" domain are US$ 200 for the first registration, which covers two years, and US$ 100 for the annual renewal.

21. Individuals wishing to visit Pitcairn must first obtain a licence to land and reside there from the Pitcairn Islands Office in Auckland, New Zealand. Licences are issued for six months and may be renewed for further similar periods by the Governor. The Island Mayor, subject to the direction of the Governor, is empowered to grant access ashore to crew members or passengers of any visiting vessel.

IV. Social and educational conditions

22. The population of the Territory is self-employed, but allowances and wages are paid to members of the community who participate in local government activities or perform communal services. Public work, which is required by law of all men and women between 15 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. The most essential of the traditional public duties are concerned with Bounty Bay and the maintenance of the public boats. Installations in the Bay are provided mainly from general revenue and grants from the United Kingdom. The only jobs in the Territory are government posts, which are normally reserved for permanent residents of Pitcairn. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Island Secretary's office.

23. Education is free and compulsory for all children between 5 and 15 years of age. The school is operated and financed by the Government. Instruction is in English and is based on the New Zealand standard curriculum. The Education Officer, who is also the editor of the *Pitcairn Miscellany*, the Territory's only newspaper, is a trained teacher recruited from New Zealand, usually for a one-year term. Post-primary education is conducted at the school by correspondence courses arranged through the New Zealand Department of Education. Overseas secondary

education is encouraged by the grant of bursaries and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn.

24. The Seventh Day Adventist Church is the only Church on the Island.

25. The Pitcairn Island Health Centre, completed in 1997, was funded by the United Kingdom Government Overseas Development Administration. It has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. A general practitioner, recruited from New Zealand, is stationed on the island on a three-month rotation, assisted by an assistant nurse and a local dental officer, who also acts as an X-ray technician. The Government has also funded a social welfare programme, which ensures the presence of two social workers on the island at all times.

26. Built with a grant from the Government of the United Kingdom, Pitcairn Island has a new museum building. Artefacts on display include stone tools made by Polynesians prior to the arrival of the mutineers as well as cannonballs, an anchor and a swivel gun from the Bounty.[3]

27. According to the administering Power, there is ongoing public interest in certain cases of serious sexual offences against young persons on Pitcairn. These include numerous criminal charges of rape and indecent assault. Thirteen men were charged with a total of 96 offences. The trials of the seven on-island defendants were held on Pitcairn from September to November 2004: six of them, including individuals holding public office, were convicted on a number of counts. Four men received custodial sentences. They are currently released on bail pending appeals to the Pitcairn Court of Appeal and Privy Council. The convicted men no longer hold public office. Extradition requests for a further three defendants from New Zealand are in progress and their trials are likely to take place at a later date. One Australian resident surrendered himself to the jurisdiction of the Pitcairn Courts and is awaiting trial. Charges against two further defendants have now been dropped.

28. The situation has been viewed with concern by the Islanders, since, among other things, it takes four men to handle the longboats, which take passengers to and from the island. According to the administering Power, three of the men who received custodial sentences are able-bodied men who can assist in the handling of the longboats. In addition, prison regulations allow prisoners on the island to work outside the prison under supervision and, in certain circumstances, to be temporarily released for employment. According to information provided by the administering Power, this will be a matter for the prison authorities to decide upon.

V. Future status of the Territory

A. Position of the territorial Government

29. The statement of the representative of the Island Mayor to the Pacific Regional Seminar on decolonization, held at Madang, Papua New Guinea, from 18 to 20 May 2004, is summarized in the report of the Special Committee for 2004.[4]

30. It should be noted, however, that with regard to self-determination, the representative reiterated that the people of Pitcairn did not fully understand all the

possibilities or the significance of the various self-determination options that might be available to them. The attention demanded by the new projects mentioned above had also served as a diversion. Knowing that Pitcairn's constitutional review had been deferred until after 2006, he added that it seemed logical to precede this process with discussions on self-determination. To that end, he said that Pitcairn would gain maximum benefit in understanding its political future from a United Nations visiting mission. He added that Pitcairn also remained eager to develop, with the Special Committee and the Government of the United Kingdom, a work programme in accordance with the Committee's proposal of 2000 (see A/AC.109/2001/2).

B. Position of the administering Power

31. In his statement at the 2nd meeting of the Fourth Committee, on 5 October 2005, at the sixtieth session of the General Assembly (see A/C.4/60/SR.2), the representative of the United Kingdom said the consultation process between his Government and its 10 overseas Territories was continuing. The seventh annual meeting of the Overseas Territories Consultative Council would be held in London in October 2005. The Council provided a forum for dialogue between democratically elected chief ministers and their equivalents from the Territories and United Kingdom Government Ministers on a range of issues including the relationship between the United Kingdom and its overseas Territories, constitutional modernization, good governance, environmental matters and the United Kingdom's international obligations.

32. The United Kingdom Government welcomed the progress that was being made in the constitutional review process; there had been useful discussions between his Government and representatives of Gibraltar, Montserrat and the Turks and Caicos Islands. In Saint Helena, a consultative poll had rejected a revised draft constitution and that Territory was currently considering its next steps. Extensive discussions had been held with the Independence Commission set up in Bermuda to look into the implications of any move towards independence; at the Commission's request, his Government had drafted a paper setting out its position on a number of issues, which was currently being studied by the Government of Bermuda.

33. His Government, he pointed out, continued to support capacity-building projects and to promote sustainable development and good governance in its overseas Territories. The Overseas Territories Environment Programme continued to support the implementation of the environment charters for the Overseas Territories. His Government likewise continued to support its overseas Territories in their efforts to strengthen relations with the European Commission and to improve access to the trade and economic and developmental aid provisions of the European Union Overseas Countries and Territories Overseas Association Decision. It had also continued its informal cooperation with the Special Committee; in that context a visit had been made to Bermuda with a view to consider progress towards that Territory's de-listing.

34. Regarding the Overseas Territories Consultative Council held in London in October 2005, according to the United Kingdom Government, there was useful discussion on the relationship between the United Kingdom and the Overseas Territories and progress on constitutional modernization, which continued to take

account of the Territories' particular circumstances. Other areas covered were external relations, good governance, law enforcement, financial services, transport, sustainable development and relations with the European Union. The Department of International Development organized round tables in association with the Overseas Territories Consultative Council on human rights and disaster management.

C. Consideration by the General Assembly

35. On 8 December 2005 the General Assembly adopted, without a vote, resolutions 60/117 A and B of 8 December 2005. Section VIII of resolution 60/117 B is specifically devoted to Pitcairn and states that the General Assembly:

> "*Taking into account* the unique nature of Pitcairn in terms of population and area,
>
> "*Requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the representatives of Pitcairn on how best to support its economic security".

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland, under Article 73 *e* of the Charter of the United Nations, and from published sources.

[2] The Far East and Australasia, 2005, Europa Publications.

[3] "Pitcairn museum shows Bounty treasures", by Nick Squires in Sydney, *Telegraph*, London, 31 August 2005.

[4] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 9* (A/59/23), chap II, annex.